IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 20315 of 2005

Between:

Kontham Prakash Reddy

..... PETITIONER

AND

Sri Venugopala Swamy Devasthanam,

represented by its Manager, Balapur Village,
Balapur Village, Saroornagar Mandal,

Ranga Reddy District.

.....RESPONDENT

ORDER:

Seeking a Mandamus, declaring the action of the respondent in proposing to auction the leasehold rights of the petitioner's joint family lands in Survey Nos.68, 69 and 70, admeasuring Ac.17.36 guntas, situated in Balapur village, Saroornagar Mandal, Ranga Reddy District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel on either side.

The learned counsel for the petitioner contended that by virtue of proceedings of the Revenue Divisional Officer, Ranga Reddy East Division, dated 21.10.1993, occupancy rights, in respect of the lands in question, have been given to the petitioner's joint family and therefore, it has become final and there cannot be any other claim in respect of those lands and hence he prays to allow the writ petition.

On the other hand, the learned counsel for the respondent contended that the lands in question belong to the respondent Devasthanam and the petitioner has no right or title over the said lands and he has no right to question the auction notification, and hence, he prays to dismiss the writ petition.

The respondent Devasthanam issued auction notification in respect of the lands in question, stating that those lands belong to the respondent Devasthanam. The issue with regard to the title of property has to be decided by a competent Court of civil in nature. The disputed fact, more so with regard to title of the properties, cannot be decided by this Court. Therefore, the writ petition is devoid of merit and liable to be dismissed.

Accordingly, the Writ Petition is dismissed, leaving open all the remedies to the petitioner as available under law. No order as to costs.

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K.C. BHANU,J

Dated: 15.09.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr